

MINUTES

Attendance

Members Present: Jonathan O'Keeffe, Bruce Carson, Richard Roznoy

Members Absent: None

Other Planning Board Members present: Rob Crowner

Staff present: Christine Brestrup, Senior Planner; Jeff Bagg, Senior Planner

Others present and participating: See below

Discussion

The meeting began at 5:05 p.m.

Zoning Forum

Jonathan O'Keeffe introduced the members of the Zoning Subcommittee and gave an introductory statement about the evening's agenda. The Zoning Subcommittee (ZSC) is a subcommittee of the Planning Board. The ZSC holds Zoning Forums, usually twice a year after the spring and fall Town Meetings, to hear from the public about zoning issues that are of concern to them. Most changes to the Zoning Bylaw occur in the fall, because budget issues tend to dominate Spring Town Meeting.

Changes to the Zoning Bylaw require 2/3 vote of Town Meeting. Before Town Meeting votes on a proposed change, the ZSC spends time formulating the change and then brings the change to the Planning Board. The Planning Board is required to hold a public hearing on all proposed zoning amendments and to make a recommendation to Town Meeting. Town Meeting has the ultimate responsibility to accept or reject proposed zoning amendments. The ZSC usually meets twice per month, on the first and third Wednesdays.

Mr. O'Keeffe referred to the ZSC Work Plan, dated June 8, 2010, and gave a summary of the items listed under Priority A.

Replacement of Phased Growth Bylaw – The Phased Growth Bylaw is a complex system of incentives and disincentives. Its premise was ruled unconstitutional. Currently it contains a "sunset clause" that will allow it to expire in November 2010. The ZSC is working on a replacement for the Phased Growth Bylaw that is more in keeping with state law. There is an extensive draft that is still in an early stage of development.

North Amherst Village Center Rezoning – The ZSC took a preliminary walking tour of the area with members of the community. There is no concrete proposal for rezoning as of this time. The ZSC plans to focus on North Amherst on July 21st.

Atkins Corner – There is no concrete plan for zoning changes at Atkins Corner. The rezoning proposal will be developed in coordination with the work on Route 116 and surrounding roadways. Changes to Atkins Farms Market are proposed. Zoning changes will address the predicted increase in growth and the new services that are envisioned for the area.

Gateway Corridor – This proposal encompasses an area between downtown Amherst and the UMass campus. The Amherst Redevelopment Authority (ARA) is looking at vacant land where fraternities were located. The University is envisioning that a private developer will build private student housing. There may also be other changes along North Pleasant Street. The ZSC will work with the ARA to study this area and create a plan for it.

Urban Livestock/Poultry – This is a growing, regional trend and the ZSC will try to address it via a zoning amendment.

Private Student Housing – The proposal to tackle this issue is related to the issue of group/student housing in town and the petition article regarding the “four-unrelated” amendment that was proposed this spring. The Planning Board held a public hearing on the “four-unrelated” amendment and recommended to Town Meeting that this topic be referred back to the Planning Board [and the Board of Health] for further study.

Petition Articles – Citizens are free to make proposals for zoning amendments, via a petition process. The Planning Board is required to hold a public hearing on these proposals and to make a recommendation to Town Meeting.

Long Term Amendments

Brownfields – There are incentives for redeveloping brownfields.

Medical Use Amendment – This issue was dealt with at a recent Town Meeting.

Walter Wolnik of 8 Hillcrest Place noted that exploration of MGL Chapter 40R and 40S had been in the Priority A category several months ago and had migrated to the Priority B category. He also asserted that the proposed Development Modification bylaw [replacement for Phased Growth] must be completed by November.

Mr. Wolnik also noted that the Master Plan consultant had created a document entitled “Urban Form Analysis” that is available for view in the Master Plan section of the town website. It includes a model of form-based code that (although focused on the Pray Street area) is applicable to Atkins Corner and North Amherst. He further noted that the ARA has funding available to conduct a public process for the Gateway area.

Carol Katz, CEO of Loomis Communities, a non-profit corporation that includes Applewood, spoke in support of the concept of Atkins Corner development. Applewood, Atkins, Hampshire College and the nearby condominium groups have been meeting to talk about what they want to do with their properties. Applewood is considering a modest expansion. The residents and staff of Applewood would benefit from more services being available in the Atkins Corner area. Ms. Katz expressed support for the rezoning effort at Atkins Corner.

John Fox of 90 Fearing Street expressed concern about the proposed Gateway development. He referred to ARA documents and questioned the statement that the project proposes to remove blight. There is no “blight” or “decadence” in the area, he said. He questioned the need for “neighborhood stabilization”, the removal of substandard housing and the provision of student housing. He questioned how adding 700 students to the area would stabilize the neighborhood. He acknowledged UMass’s recent efforts to counteract the student drinking problem. Mr. Fox also expressed concern about increased traffic. If there are 700 students added to the neighborhood, he predicted that the number of cars in the neighborhood would also increase.

Hwei-Ling Greeney of 76 McClellan Street expressed her support for more student housing in town. She predicted that this would help to stabilize neighborhoods. She acknowledged

the fear of people regarding change. She expressed concern that people were not notified about proposed changes, other than to read about them in the newspaper.

Ms. Brestrup stated that the Gateway project is in its earliest stages of being developed. It is not currently being considered by the ZSC, but is being discussed by the ARA. She encouraged the public to follow the proceedings of the ARA meetings.

Mr. O'Keeffe stated that the ZSC tries to reach out to people in areas that are proposed for rezoning. However, the ZSC does not do mass mailings. People whose property is proposed for rezoning are notified and the abutters within 300 feet are also notified when the Planning Board holds public hearings regarding zoning amendments. He noted that the ZSC would be focusing on the rezoning of North Amherst on July 21st.

John Coull, of 20 Sheerman Lane, Chair of the ARA, and a Town Meeting member from Precinct 2, stated that the ARA had been relatively inactive since the completion of the Boltwood Parking Garage. The ARA is just getting "structurally together". The ARA has had an irregular meeting schedule, problems with posting meetings and does not currently have a lot of information on the town website. He plans to address these issues and hopes to have more information available soon. This will include a list of meeting dates for the ARA from now through September 1st. Mr. Coull distributed a document dated March 10, 2010, that showed an outline of the area proposed to be included in the Gateway project, with a list of websites on the back that show pictures of public/private partnerships. He referred to a form-based code document and stated that form-based code was being considered as a tool to guide development of the Gateway area. The ARA seeks a design for the Gateway area that is appropriately dense and provides a walkable area that will link UMass with downtown. He pledged that the ARA's process will be open to the public. He invited members of the public to contact him as well as Jonathan Tucker and the Town Manager to find out more about the project. The ARA won't ignore the concerns of the public. He hopes to have support for the general concept and to be rigorously questioned on the details. There was an ARA meeting on May 26th and the next meeting will be on June 23rd. The ARA will work on timely preparation of Minutes.

Sy Friedman of 10 Allen Street has lived in the neighborhood for 25 years. At that time there was a problem with fraternities. Town Meeting passed a zoning amendment which prohibited fraternities from being located in the area. He gave examples of privately-owned student housing in the area, owned by absentee landlords, and noted that the goal of the owners is to make money. He is concerned that privately-owned student housing will not be maintained. UMass should build dorms for students on university property. He is very concerned about the Gateway project.

Barbara Pearson of 11 Paige Street asked about the number of students who would be housed in the area and if high-rise buildings were being proposed. She noted that neighbors would be unhappy with increased density and with high-rises.

Judy Sechcrest of 285 Lincoln Avenue expressed concern about the Gateway project, particularly with respect to the fact that UMass does not want to supervise its students. She fears that a "high-rise Puffton Village" will be the result.

Paul Hodgkins, a minority owner of Atkins Farms Market, spoke in support of the rezoning of Atkins Corner Village Center. It has been studied for many years. A study that was commissioned by the town was completed in 2000-2002. The study dealt with the roadway and the issue of rezoning. Many meetings were held in the neighborhood. The road project has gone out to bid and will be started soon. It will be done in 1 to 2 years. The zoning should be changed to guide development that will occur once the roadway work has

finished. He warned that developers might come in and develop something under current zoning that is not compatible with what is envisioned for the Village Center. He supports rezoning of the area.

Dan Sandell of 42 Salem Place, a former UMass student and currently a business owner, spoke in opposition to the Gateway development. He stated that there had been a noted stabilization in the neighborhood since "fraternity row" had been destroyed. He noted that it is ironic that the town wants to put more students back in the area, thereby multiplying the problems that had been there in the past. He encouraged the ZSC to look for alternatives for the area, such as offices or a park. He asked where there are brownfields in town.

Mr. O'Keeffe stated that although some properties are suspected of being brownfields, specific sites have not yet been identified.

Elissa Rubenstein of 38 Fearing Street, a 38-year resident of the area, attended the ARA meeting on May 26th. She expressed concern about the level of communication and stated that neighbors are worried about the unknowns. She questioned the tax benefits to the town of the Gateway project and asked if tax incentives were being offered to developers.

Mr. O'Keeffe stated that it is not uncommon for projects to proceed through various boards and committees. The Gateway project is at the earliest stage of the process. There have been no secret meetings. Zoning changes will go through a public process. All meetings will be conducted in public.

Winifred Manning of 61 Fearing Street, a 38-year resident of the area, expressed agreement with other speakers who are concerned about the Gateway project. The neighborhood is a buffer between UMass and the town. Zoning changes might erode the buffer zone. The neighborhood is an important component of keeping Amherst a desirable place to live.

Larry Shaffer, Town Manager, resident of 194 Amity Street, commented on the proposed Gateway redevelopment project and the proposed rezoning of the area. Changes are occurring there on a regular basis. Neighborhoods are changing dramatically and houses are going from ownership to rental. This process will continue unless student housing is built. The town also needs enforcement of rental housing rules and regulations. This project will provide higher quality, newly-constructed, student housing that will help all neighborhoods in the community. The process will be open and community-based. The Gateway project will provide linkage between the university and downtown. Downtowns don't survive on their own. They need customers. This project will help to maintain a vital downtown. There have been no conversations about tax abatements. This will be tax-based development. He stated that he endorsed the project.

Joan Burgess of 36 Mount Pleasant asked about the review process and whether a concrete proposal or a general concept would be presented to the Zoning Subcommittee.

Mr. O'Keeffe explained that the Planning Board has two roles with respect to projects such as this one. The first role has to do with rezoning. Once the ARA knows what it wants to do, it will come to the Zoning Subcommittee of the Planning Board with a proposal for rezoning. After the area is appropriately rezoned, the Planning Board or the Zoning Board of Appeals will review applications for Site Plan Review or Special Permits for specific projects. During both types of processes there will be a series of public hearings.

Sarah la Cour of 124 North Whitney Street, and an employee of W.D. Cows, spoke on behalf of Cows, in support of the North Amherst rezoning effort. There are incentives for

development of brownfields. North Amherst currently has a mixture of zoning districts. The saw mill is now closed. W.D. Cows wants to work with the town to move forward with rezoning North Amherst.

Richard Kofler of 16 Macintosh Drive expressed strong support for the Atkins Village Center project and expressed hope that the rezoning associated with it would be ready for Town Meeting in the fall.

Jim Oldham of 17 Columbia Drive encouraged the ZSC to consider climate change when preparing zoning amendments. The ZSC should look at lot coverage rules, wetlands, flood zones and setbacks.

Mr. O'Keeffe stated that the town now has a more accurate mapping system with regard to flooding, with better data on wetlands, rivers and streams. There is an ongoing effort to computerize the official zoning map.

John Gerber of 123 Harlow Drive encouraged the ZSC to review the provisions of the Bylaw that limit possession of egg-laying hens in residential neighborhoods.

Margaret Roberts of 2 Hills Road urged the ZSC not to lose sight of the Master Plan. She asserted that the Zoning Bylaw doesn't reflect the goals of the Master Plan in many ways. It will be a long-term job to bring the two into alignment.

Mr. O'Keeffe stated that the Planning Board hopes that a Master Plan Implementation Committee will be formed to work on implementing the Master Plan. The goals and objectives of the Master Plan figure prominently in rezoning efforts. The replacement for the Phased Growth Bylaw will also serve to implement the Master Plan goals and objectives.

Mary Streeter of 66 Larkspur Drive agreed with the previous speakers. The ZSC should focus on encouraging developers to use greener building practices and energy saving methods. There should be a height minimum imposed in business areas. Single-story buildings encourage sprawl. The town should have requirements for insulation and solar energy. The use of the word "urban" should be avoided in discussions about rezoning.

Lewis Mainzer of 87 McClellan Street stated that the ARA did a good job of building ½ of a garage, but that was a limited project. The Atkins Corner development is more complicated. The Gateway project "lacks modesty". The McClellan Street neighborhood has not transitioned to rental. He cautioned planners against "Robert Moses pride".

Mr. Coull stated that the ARA has developed no plan as of yet. The vision is in flux and changing. An initial airing of the vision has brought forth interested parties – both institutional and individual landowners. The "dream" continues to change. The ARA plans to hire a consultant to design the area and make proposals about the zoning changes that will allow development to happen in the Gateway area. The design proposal and the rezoning proposal will be publicized. The ARA is not envisioning a high-rise development like South West. The ARA will hold public hearings. The RFP for the consultant includes facilitating these public hearings. The RFP is currently being developed.

Ms. Brestrup described how an RFP or RFQ process works for designer or consultant selection.

Ms. Roberts stated that the ARA tries to do the best for the community. During the parking lot process the ARA held lots of public hearings and meetings. The public is absolutely involved in the ARA process.

Mr. O'Keeffe explained the difference between a public hearing and a public meeting.

Mr. Fox recommended that the ARA ask the consultant to come up with a plan appropriate for the Gateway area. Questions should be asked about traffic, noise and student movement.

Mr. Coull stated that the first product that will come from the consultant will be how to create a zoning district that will allow the [mixed-use] Gateway area to happen. The zoning should include guidelines about what the area will look like.

Jeff Bagg noted that zoning is the underlying groundwork and that developments will be proposed once the zoning is in place.

The Zoning Forum adjourned at 7:00 p.m.

Approval of Minutes

Mr. Roznoy MOVED to accept the Minutes of March 10, 2010. Mr. Carson seconded and the vote was 3-0.

Summer Meeting Schedule

The ZSC decided on the following meeting schedule:

Wednesday, July 14th – Focus on Development Modification

Wednesday, July 21st – Focus on North Amherst Village Center Rezoning

Wednesday, August 4th – Focus on Atkins Corner – hold a discussion first; schedule a walkabout for another date.

Wednesday, August 18th – Focus not determined

[ZSC meetings occur at 5:00 p.m. and usually last until 6:30 p.m.]

Tom Ehrgood, liaison from the Zoning Board of Appeals, expressed doubt that the Gateway project could be ready for the Fall Town Meeting. He also noted that the North Amherst topic will take a number of meetings.

Mr. Bagg suggested that there is potential for a joint meeting of the ARA and the ZSC for sometime in the near future. He also noted that the DPW is making progress at Atkins Corner.

Mr. O'Keeffe stated that the ZSC will continue to work on the items on its Priority A list. He noted that the ZSC has historically worked through all of the topics on its list at one meeting. Now the ZSC will plan to focus each meeting on one topic.

Adjournment

The meeting was adjourned at 7:10 p.m.

Respectfully submitted by Christine Brestrup, Senior Planner